

REMARKS

Claims 15 – 33 remain in the application. Independent claims 15 and 32 stand rejected under Section 103 over Van Weele (U.S. 5,631,825) in view of Gundmudsson (PCT US00/14590) and Shah (U.S. 5,880,959). Other the claims are rejected on this combination and claims 17-20 are rejected further in view of Offenmuller (2003/0172371).

All of the rejections are traversed but the applicants have also amended claims 15 and 32 to even further distinguish over the prior art combination. As in the prior amendment, applicants have again amended the independent claims in a manner fully responsive to the Examiner's comments, but without concurring in the basis for the rejections.

With entry of this amendment the Examiner should find the application in condition for allowance. Reconsideration is requested in view of the following noted distinctions, some of which were present in the claims prior to the current amendment, all of which clearly distinguish over the Examiner's combinations. If the Examiner disagrees that the claims as now presented are allowable, the Examiner is requested to provide more specific support for sustaining any rejection.

First, as twice previously argued, the Van Weele reference has no relation to the claimed invention. Rather, the reference relates to an operator station for process control while the claimed invention concerns "configuring or designing ...". Both the preamble and the elements of claim 15 have been amended to further clarify that claim 15 only relates to "designing a project ...". Claim 32 is only directed to a method "for designing an installation ...". Thus, by way of this amendment and prior amendments, applicants have limited the scope of the independent claims and expressly recited features in the independent claims in order to distinguish over the Van Weele reference. There is no teaching in the prior art to reconstruct the Van Weele reference to read upon a claim directed to "designing a project" or designing an installation ...". It is therefore inappropriate to rely upon the Van Weele patent as a primary reference to reject the claims.

In presenting the rejection of claims 15 and 32 based on the Van Weele reference, the Examiner has made of record a broad reading of the claims which now, most clearly, is not permissible in view of the current amendments. See page 9 of the most recent office action which cites the Van Weele reference at col. 11, col. 12 lines 1- 8, col. 23 lines 21-26 and col. 34,

lines 27-31 to support a position that this reference discloses selection and performance of the claimed “work steps.” But applicants do not claim and never intended to claim any “work steps.” Rather, per claim 15, applicants only claim “work steps associated with designing the project ...” A careful review of the cited passages in the Van Weele reference confirms that this reference does not disclose **work steps in a tool which can be configured**

**“...according to a program for designing a project ...”**

This feature cannot be found in the Van Weele reference and applicants have amended the claims to more clearly distinguish the invention on this basis. On the other hand, the rejection confuses the claimed subject matter, e.g., work steps which relate to configuring or designing a project, with the ability of an operator to change the value of a process variable in a manufacturing process control system (as discussed at Col. 12 lines 1-8 of the reference).

Claim 32, a method for **designing an installation** requires a user interface enabling:

**“selection and performance of individual work steps in the method to design the installation by navigating in the first or in the second navigation area ...”**

This feature cannot be found in the Van Weele reference and applicants have amended the claims to more clearly distinguish the invention on this basis. Moreover, claim 32 also requires

**“selecting a data option associated with the selected work step in the data area in order to design the installation.”**

None of these features are disclosed in the prior art combination previously used to reject claims 15 and 32.

An error in the application of the Van Weele reference under Section 103 is that the two independent claims have recited and continue to recite other features not present in the Van Weele reference – features which the Examiner continues to state are present in the Van Weele patent. As a first example, claim 15 requires that

**“the first navigation area is an area, in which sub-tasks and work steps associated with designing the project are simultaneously displayed in a hierarchically organized manner ...”**

In this regard, claim 32 requires

**“... a first navigation area being an area in which sub-tasks and work steps associated with designing the installation can be simultaneously displayed in a hierarchically organized manner, and a second navigation area being an area in which individual work steps associated with designing the installation which a user performs through the graphical user interface are simultaneously displayed in their processing sequence ...[Emphasis Added]”**

These hierarchical features defined in claims 15 and 32 are absent from the Van Weele reference. In sustaining the rejection the Examiner has not responded to applicants’ arguments that the reference lacks requisite disclosure of applicants’ work steps, and the Examiner continues to cite the following passages from the Van Weele reference: Fig. 3, element 36; col. 5, lines 58-67; col. 7, lines 58-67; col. 11, lines 41-52 and col. 34, lines 36-45.

Notwithstanding the sheer volume of text cited to support this contention, none of the cited text discloses the claimed hierarchical features. Specifically, with regard to the claims as now amended, the Examiner’s reference to col. 34, lines 36-45 does not at all concern applicants’ work steps (e.g., per claim 32) associated with

**“designing the installation”**

and which

**“can be simultaneously displayed in a hierarchically organized manner ...”**

As previously noted for the prior office actions, the current office action reads the “data area” of claim 15 upon element 40 in FIG 3 of the Van Weele patent, but the element 40 is not part of a graphical user interface that enables selection of data options. Rather, the element 40 of FIG 3 in the Van Weele patent is only a plant overview flowsheet window. This has no relation to selection of data or to performing a subtask or work step to **design** an installation. By way of example, the claimed invention enables the user to select a suitable motor or power circuit in the data area, via the graphical user interface, in order to design an installation.

Previously, Claim 32 was amended to more clearly present features which allow selection of data options. Claim 32 requires a

*“data area ... operable with the user interface to provide selectable options for performing one of the subtasks or work steps ...”*

and claim 32 also requires

*“(ii) selecting a data option associated with the selected work step in the data area in order to configure or design the installation.”*

It is urged that in view of the amendment to claims 15 and 32, the Examiner's basis for rejection, on the Section 103 combination has been overcome.

Moreover, it is again urged that the combinations used to reject the claims are deficient because the subject matter of the Van Weele reference relates to an operator station for process control while the claimed invention concerns *designing*. To rely on the Section 103 combination, it is necessary to reconstruct the Van Weele reference and there is no teaching or suggestion in the prior art for doing such. It would be necessary to make multiple modifications to the disclosure of the Van Weele reference in order to address all of the cited deficiencies. This is no more than a hindsight reconstruction in view of applicants' teachings.

It is also submitted that numerous features defined in the dependent claims further distinguish the invention. See, for example, claim 25 which states that

*“once a required work step has been completed, command elements can be selected to display, input or change data associated with processing said work step.”*

According to claim 29, the tool is adapted for configuring or designing an installation or technical composition. According to claim 30, status indicators, provided in each of the navigation areas, provide information about whether or not a user has completed a work step.

With the tool of Claim 31 the status indicators further contain information about whether or not a data selection made in a work step has resulted in a non-permitted status.

Other dependent claims also further distinguish over the prior art.

Conclusion

In view of the amendments, now even more clearly directing the claims to designing a project or installation, the claims cannot be read upon any prior art combinations. Further, the deficiencies in the Van Weele reference cannot be compensated for by incorporating any other art of record under Section 103. Specifically, none of the prior art can be combined to provide the features expressly claimed in association with applicants' two navigation areas and data area. All of the art rejections can rightfully be withdrawn because it is only the applicants who teach the claimed combinations relating to designing a project or an installation. Allowance is therefore requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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